

### Subpart A—Mining and Mining Claims

AUTHORITY: Mining Law of 1872 (R.S. 2319; 30 U.S.C. 21 et seq.); Act of August 25, 1916 (39 Stat. 535, as amended (16 U.S.C. 1 et seq.)); Act of September 28, 1976; 90 Stat. 1342 (16 U.S.C. 1901 et seq.).

SOURCE: 42 FR 4835, Jan. 26, 1977, unless otherwise noted.

#### § 9.1 Purpose and scope.

These regulations control all activities within units of the National Park System resulting from the exercise of valid existing mineral rights on patented or unpatented mining claims without regard to the means or route by which the operator gains access to the claim. The purpose of these regulations is to insure that such activities are conducted in a manner consistent with the purposes for which the National Park System and each unit thereof were created, to prevent or minimize damage to the environment or other resource values, and to insure that the pristine beauty of the units is preserved for the benefit of present and future generations. These regulations apply to all operations, as defined herein, conducted within the boundaries of any unit of the National Park System.

[53 FR 25162, July 2, 1988]

#### § 9.2 Definitions.

The terms used in this part shall have the following meanings:

(a) *Secretary*. The Secretary of the Interior.

(b) *Operations*. All functions, work and activities in connection with mining on claims, including: prospecting, exploration, surveying, development and extraction; dumping mine wastes and stockpiling ore; transport or processing of mineral commodities; reclamation of the surface disturbed by such activities; and all activities and uses reasonably incident thereto, including construction or use of roads or other means of access on National Park System lands, regardless of whether such activities and uses take place on Federal, State, or private lands.

(c) *Operator*. A person conducting or proposing to conduct operations.

(d) *Person*. Any individual, partnership, corporation, association, or other entity.

(e) *Superintendent*. The Superintendent, or his designee, of the unit of the National Park System containing claims subject to these regulations.

(f) *Surface mining*. Mining in surface excavations, including placer mining, mining in open glory-holes or mining pits, mining and removing ore from open cuts, and the removal of capping or overburden to uncover ore.

(g) *The Act*. The Act of September 28, 1976, 90 Stat. 1342, 16 U.S.C. 1901 et seq.

(h) *Commercial vehicle*. Any motorized equipment used for transporting the product being mined or excavated, or for transporting heavy equipment used in mining operations.

(i) *Unit*. Any National Park System area containing a claim or claims subject to these regulations.

(j) *Claimant*. The owner, or his legal representative, of any claim lying within the boundaries of a unit.

(k) *Claim*. Any valid, patented or unpatented mining claim, mill site, or tunnel site.

(l) *Significantly disturbed for purposes of mineral extraction*. Land will be considered significantly disturbed for purposes of mineral extraction when there has been surface extraction of commercial amounts of a mineral, or significant amounts of overburden or spoil have been displaced due to the extraction of commercial amounts of a mineral. Extraction of commercial amounts is defined as the removal of ore from a claim in the normal course of business of extraction for processing or marketing. It does not encompass the removal of ore for purposes of testing, experimentation, examination or preproduction activities.

(m) *Designated roads*. Those existing roads determined by the Superintendent in accordance with 36 CFR 1.5 to be open for the use of the public or an operator.

(n) *Production*. Number of tons of a marketable mineral extracted from a given operation.

[42 FR 4835, Jan. 26, 1977, as amended at 60 FR 55791, Nov. 3, 1995; 62 FR 30234, June 3, 1997]